

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

VIRGINIA KURSCHINSKE,	)	
	)	
Plaintiff,	)	Civil Action No. 06-87 Erie
	)	
v.	)	
	)	
MEADVILLE FORGING COMPANY,	)	
	)	
Defendant.	)	

**MEMORANDUM OPINION AND ORDER**

McLAUGHLIN, SEAN J., District Judge.

Presently pending before the Court is a “Motion for Reconsideration [pursuant to] Rule 59(e)” [ECF No. 110] filed by Plaintiff, Virginia Kurschinske (“Kurschinske”).<sup>1</sup> In the Court’s Memorandum Opinion of June 10, 2011, Kurschinske, who is proceeding *pro se*, was advised as follows:

Kurschinske’s entitlement to a portion of the attorney’s fees has been exhaustively litigated in this Court. Plaintiff is instructed that if she intends to litigate this issue, her appropriate remedy is to perfect a timely appeal to the United States Court of Appeals for the Third Circuit.

[ECF No. 109 p. 6 n.5]. Despite this previous admonition, Kurschinske remains unwilling to take “no” for an answer from this Court as evidenced by the instant motion.

The Court may grant a motion for reconsideration if the moving party shows: (1) an intervening change in the controlling law; (2) the availability of new evidence which was not available when the court issued its order; or (3) the need to correct a clear error of law or fact or to prevent a manifest injustice. Lazaridis v. Wehmer, 591 F.3d 666, 669 (3<sup>rd</sup> Cir. 2010); Max’s Seafood Café by Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3<sup>rd</sup> Cir. 1999).

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<sup>1</sup> In point of fact, this is Kurschinske’s third motion requesting that I reconsider my previous Memorandum Opinions and Orders of January 19, 2011 [ECF No. 94] and June 10, 2011 [ECF No. 109], wherein I concluded that she was collaterally estopped from claiming entitlement to a Judgment in the amount of \$46,763.21 [ECF No. 63].

Having reviewed Kurschinske's most recent filing, I find no basis, under the above stated standard, to grant her requested relief. Consequently, her motion is denied. Once again, Kurschinske is advised that her *exclusive* remedy is to pursue a timely appeal with the United States Court of Appeals for the Third Circuit rather than to continue to file motions for reconsideration with this Court.

AND NOW, this 1<sup>st</sup> day of August, 2011, IT IS HEREBY ORDERED that the "Motion for Reconsideration [pursuant to] Rule 59(e)" [ECF No. 110] is DENIED.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record